

IN THE SUPREME COURT OF THE STATE OF DELAWARE

BENJAMIN SUDLER,	§
	§ No. 412, 2005
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for New Castle County
STATE OF DELAWARE,	§ Cr.A. Nos. IN95-07-1096; 1097
	§
Plaintiff Below-	§
Appellee.	§

Submitted: November 2, 2005

Decided: January 17, 2006

Before **STEELE**, Chief Justice, **BERGER** and **JACOBS**, Justices

**ORDER**

This 17<sup>th</sup> day of January 2006, the Court has considered the appellee's motion to affirm pursuant to Supreme Court Rule 25(a) and finds it manifest on the face of the appellant's opening brief that the appeal is without merit for the reasons stated by the Superior Court in its well-reasoned decision dated August 17, 2005. We find no error or abuse of discretion on the part of the Superior Court in any respect.

NOW, THEREFORE, IT IS ORDERED that the appellee's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger  
Justice